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[SECOND EDITION.]

SIR R. PEEL'S SPEECH,

IN THE

HOUSE OF COMMONS, THURSDAY MAY 27, 1841.

Price Fourpence.

Sir R. PEEL: I shall proceed without a word of needless apology or elaborate preface to address myself to the subject of the motion of which I have given notice for this night. When on Thursday last the Chancellor of the Exchequer intimated that it was his intention to proceed with the business of the Government, I entertained a strong impression that after the defeats to which that Government had been subjected—defeats, as I thought, indicative of the withdrawal of the confidence of this house—indicative of inability on their part to give effect to measures which they deemed important for the public welfare—I did feel, I say, that after that notice, unaccompanied with the slightest explanation of Government, it was impossible for me to acquiesce in the propriety of the course proposed to be pursued, without taking some step which should bring to issue the question, whether Government did or did not possess the confidence of the House of Commons; and having come to that conclusion, I infinitely preferred bringing the question to issue in the most direct and manly manner in which the sense of the house could be taken. I might have resorted to other proceedings. I might have obstructed the course of the government with respect to measures of great importance to the commerce and industry of the country. I might have threatened the government with obstructions to the grant of supplies. I might have taken the milder course of submitting a proposition for the postponement of some important bill, and thus, in an indirect manner, testing the opinion of the house; but I thought it infinitely better, on the very first day the forms of the house would permit me to do so, to bring, in the direct manner I now propose, under the consideration of the House of Commons the question, whether it gives the present government its confidence.

The resolution which I mean to propose affirms two propositions—first, that her Majesty's government do not sufficiently possess the confidence of the House of Commons to enable them to carry through the house measures which they deem of essential importance to the public welfare; and, secondly, that their continuance in office, under such circumstances, is at variance with the spirit of the constitution. My duty is to establish those propositions, and, if I do establish them, I have a fair right to claim the assent of the house to the resolution which I am about to move.

With respect to my first proposition, that "*ministers do not sufficiently possess the confidence of the House of Commons to enable them to carry through the house measures which they deem of essential importance to the public welfare,*" is it necessary for me to offer any detailed proof of its truth? Will any man affirm, after the experience, not of one or two nights, but after a long and continuous experience—will any man affirm that ministers possess so much of the confidence of the House of Commons as to enable them to carry measures which they deem of essential importance to the public welfare? I am not speaking of occasional defeats. I am not speaking of

occasional obstructions to the progress of public business. I speak of the general course of public events. I speak of occasions in which measures have been postponed almost without an effort to carry them. I speak of other occasions on which measures proposed by the government have been modified in deference to the opinions of those who opposed them. I am speaking of their failure to carry into effect measures which they had strongly recommended to the adoption of the house. I am speaking not, as I said before, not of one or two failures, not of obstructions offered to the government on its first formation; but I am drawing my inference of loss of confidence from the continuous course of the government in respect to legislation and the degree of support which they have received from the House of Commons. I am speaking, of course, immediately with reference to the defeat they sustained the other night on a most important measure connected with the financial administration of the country, following other defeats which they had recently met with. Now, I do say that these are complete and decisive proofs that my first proposition is correctly stated—that the government do not possess such a degree of confidence on the part of the House of Commons as has enabled them, or will enable them, to give effect to measures which they deem important to the public welfare.

If that proposition be true—if her Majesty's ministers do not possess the confidence of the House of Commons, then, I say, that their continuance in office is at variance with the principle and spirit of the constitution. I presume I shall hardly be asked to define what I mean by the "spirit of the constitution." I do not speak of those theories which refer to some combination of the opposing elements of monarchy, aristocracy, and democracy, each armed with defensive and offensive instruments, by which they keep each other in check. I speak only of that system of Parliamentary government which has prevailed in this country since the accession of the house of Hanover. I speak of that system which implies that the ministers of the Crown shall have the confidence of the House of Commons. I speak of that system which has prevailed during the period when, according to the expression—the just expression of the noble lord, whom I now see opposite to me, in his able and dispassionate essay on the English constitution, "the centre of gravity of the state has been placed in the House of Commons." When I use the phrase, "spirit of the constitution," I speak of the system of government which has maintained the equilibrium between monarchy and democracy—of that system of government which has harmonised those apparently conflicting elements—of that system of government which, by the constant yet almost unfelt interposition of slight checks, has prevented the necessity of recurring to the use of extreme instruments in the collision of antagonist powers. That is the spirit of the constitution of which I speak, and that spirit of the constitution appears to me to be violated by the continuance in office of ministers who have not the confidence of the House of Commons.

My impression on that subject is confirmed by a reference to all historical precedents having analogy to this case. It is confirmed by the authority of all eminent writers, all statesmen versed in the practical administration of affairs. But my impression also receives melancholy confirmation from the actual experience of positive evils which arise when another system of government is substituted for that which has hitherto prevailed. It is confirmed, likewise, by the course of historical precedent. I look to the period which all constitutional writers have referred to as the period from which dates the necessary system of parliamentary government, the appointment of Sir R. Walpole to the office of premier minister at the accession of the house of Hanover—and I say that, recurring to the history of administrations, we shall find that invariably, or at least with scarcely an exception,

a minister, whatever might have been his power, however confirmed his influence, however long the duration of his authority, when deprived of the confidence of the House of Commons, has felt it incumbent upon him to do homage to the principle of representative government, and to abdicate his functions as minister of the Crown. I begin with Sir Robert Walpole. He held office for, I think, the long period of twenty-five years. If I mistake not, he was appointed in 1715, and the termination of his power took place about one hundred years from the period at which I am now speaking, namely, in 1742. Sir R. Walpole was dispossessed of power under these circumstances :—A motion was made by Mr Pulteney, which implied the withdrawal of the confidence of the House of Commons. That motion was negatived in favour of ministers by a majority of three ; but upon Sir R. Walpole being in a minority on the Chippenham election (and then the determination of election questions was exclusively influenced by party spirit, and they were looked upon as convenient modes of testing the strength of ministries), notwithstanding the slight majority which he had on the question of confidence, Sir R. Walpole relinquished office, after having been minister for twenty-five years.

In 1782 Lord North yielded to the same influence. In that year two motions were submitted to the House of Commons. The first was brought forward by Sir John Rouse, and the second by Lord G. Cavendish. One motion declared that it was impossible for the house to place confidence in the Government, and the other was couched in terms very nearly similar. One was negatived by a majority of nine, the other by a majority of ten ; but Lord North, nevertheless, yielded to the necessity implied by the withdrawal of the confidence of the House of Commons ; and his authority also came to an end. In 1804, Lord Sidmouth retired from office, although he had in his favour a majority which has been almost unknown in the recent history of parliamentary contests. Lord Sidmouth, in the course of his administration, frequently had majorities to a great extent, but they having been reduced to, I think, thirty-seven, his lordship felt it his duty to retire. He considered a majority of thirty-seven only as indicative of the withdrawal of the confidence of the House of Commons. In 1812, on the first formation of Lord Liverpool's government, the House of Commons, on the motion of Lord Wharncliffe (then Mr. Stuart Wortley), by a majority of four agreed to a resolution expressing an opinion that a more efficient administration ought to be formed. That majority of four was decisive of the fate of the first administration attempted to be formed by Lord Liverpool. He and his colleagues resigned their trust into the hands of the Sovereign, and it was not until attempts, which proved ineffectual had been made to form another administration, that Lord Liverpool was again placed in office. The next administration which yielded to the influence of public opinion, as expressed by the House of Commons, was that which was presided over by my noble friend the Duke of Wellington. In 1830, on the meeting of Parliament upon the question whether or not the Civil List should be referred to a committee of the House of Commons, we were defeated by a combination of parties entertaining opposite opinions, and the House of Commons resolved by a majority of, I think, twenty-nine, to refer the consideration of the Civil List to a select committee. I felt that a minority in which the government had been left was decisive of its fate. I thought it sufficiently significant of the fact that we had not the confidence of the House of Commons ; and therefore the Duke of Wellington and myself felt it our duty to retire from office. The right hon. baronet opposite, the President of the Board of Control, will recollect that upon that occasion his opinion anticipated ours. I recollect that immediately after the decision, the right hon. baronet, entertaining an opinion which was just

and natural, and which was in conformity with that of many others, enquired from me, "whether, after such an expression of opinion on the part of the house, it was the intention of ministers to retain their places and continue to carry on the government?"

[Sir J. C. HOBHOUSE : Since that period I made an apology to the house for having done so, and said that I considered the course I pursued very improper.]

Sir R. PEEL : I am sure I never thought of complaining of any want of courtesy on the part of the right honourable baronet. I never thought that the right honourable baronet proposed the question in an offensively hostile manner, and if I had supposed so, I would not have alluded to the circumstance on this occasion. The opinion which the right honourable baronet implied by his question, was entirely confirmed by the House of Commons. Lord Brougham in vain attempted to appease the impatience of the House of Commons on that night, and my own opinion so strongly concurred with that implied by the right honourable baronet's question, that, on the next day, I signified to the Crown my intention to withdraw from its service. On the night after the right honourable baronet put his question, which never excited an angry feeling in my mind, Mr. Brougham suggested that, after what had taken place, it would be better to permit the ministers of the Crown to have some time for deliberation, and, considering the position in which they were placed, proposed that the appointment of the committee, which it was wished should take place immediately, should be deferred till the next day. His advice, however, was overruled; and such was the impatience of the House of Commons to proceed to some decisive act which should imply the downfall of the government, that, on that very night, the select committee on the civil list was appointed. The next administration which also yielded to public opinion, as signified by that of the House of Commons, was that over which I myself presided for a short time in 1835. I did carry on, for a short time, an unequal contest in opposition to the power leagued against me; but this I must say, that the first time I was positively obstructed in an act of legislation, that moment I felt it my duty to withdraw from the management of public affairs. I beg to remind the noble lord, that, at a much earlier period than the date of my resignation, he implied an opinion that I was holding power injuriously to the public interests, because I did not possess the confidence of the House of Commons. So far back as the 2d of March the noble lord observed, that he believed no ministry ever stood before, in respect to the House of Commons, in so extraordinary a position; and the noble lord observed on the evil influence which my attempt might have upon public affairs. On the 16th of March, the noble lord said, "I own I come more and more to the opinion that we ought to revert, whenever we can, to that old practice of the constitution, under which the powers of the Crown were administered and exercised by persons in whom the house and the country had confidence." The noble lord said, that while persons exercised the powers of the Crown in whom the house reposed no confidence, they imposed the necessity of making motions most inconvenient, and, perhaps, unconstitutional, such as that which had been made relative to the appointment of a noble friend of mine to an embassy at St. Petersburg. The noble lord said—

"You, by remaining in power, are contravening the principles of representative government, and you alone are responsible for the delays and obstructions that may arise, or for any offence to which, by your acts, the Crown is exposed."

The noble lord was then, day by day, waxing stronger in the opinion, that we ought to revert to the old practice of the constitution.

[Lord J. RUSSELL made some observation across the table.]

SIR ROBERT PEEL continued: So little did I think that I had cause of personal offence in the remark made in 1830, that in 1835 I myself shared the opinion of the noble lord. In 1835 the right hon. gentleman opposite told me that the fault and difficulty of my position did not rest with the opposition, but from an act which would be the fruitful source of evils, namely, the endeavour to govern by a minority; and being therefore, fully sensible of the difficulties of my position, so soon as the noble lord had carried a resolution which implied that no adjustment of the tithes would be satisfactory except that which he advocated, I did not wait for the progress of the bill, for I thought that the resolution indicated that I did not possess the confidence of the House of Commons; and, therefore, being obstructed in the progress of important legislation, although I had remained in office after having been defeated on the amendment to the address, and on the choice of a Speaker; yet, being, as I have said, obstructed in the progress of important legislation, I at once signified my intention of resigning office. In speaking of administrations which have yielded to the authority of the House of Commons, I have omitted to mention a case in which the precedent appears at first sight to be somewhat different. I mean in 1780, when Mr. Pitt, notwithstanding the adverse votes of the House of Commons, remained in office, and continued to hold office, until he could take the sense of the people by a dissolution. But I contend that the circumstances of that case were in no degree analogous to the present. The circumstances of the contest between Mr. Pitt and Mr. Fox, in 1783, were these:—On December 17, 1783, the bill which had been brought in by Mr. Fox, for the regulation and management of affairs in India, was rejected. On the 17th of December, the very same day, the House of Commons resolved to go into a committee of the whole house on the state of the nation on the Monday following. On the 19th of December the government of Mr. Fox and Lord North was dissolved, and on the 19th of December Mr. Pitt was appointed minister. But before Mr. Pitt could take his place as minister in the House of Commons an address to the Crown was moved not to dissolve Parliament. At the outset of the government, before even there was time for the re-election of Mr. Pitt, his seat being vacated by the acceptance of office, an address to the Crown was moved not to dissolve Parliament, and his Majesty was earnestly entreated to hearken to the advice of his faithful Commons, and not to the secret advices of particular persons who might have private interests of their own, separate from the interest of his Majesty and his people. An adjournment of Parliament took place. Parliament re-assembled on the 12th of January, 1784, and before any one act of the government could be submitted to the consideration of the House of Commons, on the very day on which Mr. Pitt appeared to the House of Commons as minister of the Crown, on the very first day, a resolution of the house was come to as follows:

“That it is the opinion of this committee that in the present state of his Majesty’s dominions, it is peculiarly necessary that there should be an administration which has the confidence of this house and the public.”

On the 16th of January, four days after the meeting of Parliament, it was moved by Lord Charles Spencer—

“That the appointments of his Majesty’s present ministers were accompanied by circumstances new and extraordinary, and such as do not conciliate or engage the confidence of this house;” and that “the continuance of the present ministers in trusts of the highest importance and responsibility, is contrary to constitutional principles, and injurious to the interests of his Majesty and the people.”

The objection to the continuance of Mr. Pitt, was not that the confidence of the House of Commons was withheld from the measures which he proposed.

There were surmises or allegations that Mr. Pitt owed his power to the exercise of undue influence ; that the King's name had been made use of for the purpose of influencing elections. The objection, therefore, was taken at the outset to the administration of Mr. Pitt. Before Mr. Pitt could take his seat, hostile resolutions were come to ; and before he could bring forward any one act of government upon which the sense of the House of Commons could be taken, resolutions were affirmed implying objections, not to acts of that government, but to the principle upon which it was constituted. The principle involved was not the principle that a minister ought to have the confidence of the House of Commons for the purpose of carrying on the government, but it was contended that Mr. Pitt having a majority in the House of Commons, was attempting to controul the constitutional prerogative of the Crown, and, without reference to the public acts of the government, implied beforehand a want of confidence in that administration. True, there were in that case repeated motions implping a want of confidence, but I say the circumstances are not analogous—that they did not imply want of confidence in the acts proposed by that government, but a suspicion that it owed its origin to unconstitutional causes ; and it was the duty of the House of Commons to reprobate such a formation. It was upon that principle that the great contest took place in 1783 and 1784, and which led to a dissolution. But in the case analogous ! Am I obstructing a government at its first formation ? Am I depriving it of the opportunity of submitting its measures to the consideration of Parliament ? Am I not arguing that you have had in repeated sessions the opportunity of laying before the House of Commons the measures you think essential to the public welfare, and that in some cases those measures have been so altered and modified, and in other cases have so completely failed, or have met with so little support either in principles or details, that this long-continued experience of your weakness is the foundation of the resolution I propose. I say that constitutional precedent—that the records of history, with one exception only, and that not analagous—show that ministers, not possessing the confidence of the House of Commons, have felt it their duty to relinquish their offices. I say again, that the authority of public men and public writers come in aid of that constitutional principle. The authority of Mr. Burke—the authority of all who have advocated the popular principle of representative government—all are in unison with the opinion I have expressed on this point, and confirm the view I have taken. Mr. Burke said :

“ A House of Commons respected by his ministers is essential to his Majesty's service. It is fit that they should yield to Parliament, and not that Parliament should be new modelled until it is fitted to their purposes. If our authority is only to be held up when we coincide in opinion with his Majesty's advisers, but is to be set at nought the moment it differs from them, the House of Commons will sink into a mere appendage of administration, and will lose that independent character which, inseparably connecting honour and reputation with the acts of this house, enables us to afford a real, effective, and substantial support to his government. It is the deference shown to our opinion, when we dissent from the servants of the Crown, which alone can give authority to the proceedings of this house when it concurs with their measures.”

That was the opinion of Mr. Burke. What was the opinion of Mr. Fox ? He says :—

“ That it was true, that the most solid and incontrovertible basis upon which a government could be built, was the confidence of the House of Commons. He meant that cordiality and union that constituted the spring of the House of Commons ; and it was the confidence in the House of Commons which gave energy and effect to every administration. However disagreeable the issue, it must be imputed to those who thought themselves wiser than the House of Commons, and they alone must answer for it.”

But did Mr. Fox say, it was the duty of a minister never to differ from the House of Commons? Did he not, on the contrary, arrogate to himself the right of proposing measures he deemed necessary for the public welfare, notwithstanding the adverse opinion of the house? He said :—

“He was far from meaning that a minister was never justifiable in differing from the House of Commons. No man was more likely so to differ than himself; but he would adhere to his own opinion, and when he found that the house differed from himself he would resign, and say to the House of Commons—‘Choose some other instrument to carry on the public business; I am no longer fit to serve you.’”

Such were the opinions of Mr. Burke and Mr. Fox. I will now refer to another high constitutional authority—no other than the noble lord himself, as expressed in that work to which I have before referred, and now refer again with the most sincere respect, as containing a most moderate, dispassionate, and able view of the British Constitution. The passage I am about to quote, be it remembered, is no hasty expression uttered by the noble lord during the heat and excitement of debate, but is the calm and deliberate opinion of the noble lord delivered in his character of a writer on the constitution of the country, upon the relative position of the Crown and the House of Commons. The noble lord says :—

“The accession of George I. was the era when government by party was fully established in England. During the reign of William, Whigs and Tories had been employed together by the king; and although the distinction of a Whig ministry and a Tory ministry were more decidedly marked during the reign of Anne, yet Marlborough and Godolphin, who formed great part of the strength of the Whig ministry, were Tories; and Harley and St. John, who put themselves at the head of the Tory administration, had held, a short time before, subordinate offices under the Whigs. But the complete downfall of the Tory administration, who had signed the peace of Utrecht, and the well-founded suspicion, which attached to the whole party, of favouring the claim of James II.’s son, placed George I. entirely in the hands of the Whigs. At the same period, the financial difficulties which followed the winding up of the war, and the great practical talents of Walpole as a statesman, contributed to give a greater importance to the House of Commons than ever, and to place within that house, if I may so express myself, the centre of gravity of the State.”

The noble lord sets forth in powerful language the necessity for ministers enjoying the confidence of the House of Commons, and paints the consequences that would follow from such a departure from the constitution as their remaining in power without possessing that confidence. He tells us that

“Their measures will be thwarted, their promises distrusted, and finding all their steps obstructed, their efforts will be directed to the overthrow of the constitution.”

Now, though the noble lord opposite is in office, I will not take the extreme view he has taken of the consequences of persevering in that cause. It may not follow that the ministers being obstructed will meditate “the overthrow of the constitution,” but those other evils that the noble lord has spoken of must necessarily and inevitably follow, as the consequences of endeavouring to govern by a minority in the House of Commons. You cannot, in this country, restrict the influence of party. You say “you have met this government by party opposition.” Why not lend them your cordial and hearty support, without reference to their merits and thus enable them to go on. Why, the noble lord himself has scouted such an idea. The noble lord said “that from the collisions of party arose the vital energy of the constitution, and that among the denouncers of party conflicts he never found any others than mock philosophers—effeminate men and sentimental women.”

“The natural and inevitable consequence (he continued) of endeavouring to

govern by a minority would be such as I met with. Almost every night my proceedings were obstructed. Even in committee of supply I was prevented from proceeding with the public business, and ultimately I resigned."

But of all the administrations that ever existed, considering the relative position of majority and minority, there never was a government that had met with less of obstruction, or less of factious or of mere violent and vexatious opposition than the present.

But this much I will say, without any extravagant apprehensions as to the overthrow of the constitution, that practical experience proves that great evils, absolute and inevitable evils, in the administration of public affairs, will result from the suspension of constitutional rules and the attempt to govern without sufficient power. Let me take the present Parliament. Let me take three measures—one at the commencement of Parliament, one when it may be considered to have arrived at maturity, and one of more recent occurrence, now that it is supposed by some to be verging towards an end. Let me take the history of the appropriation clause, of the Jamaica Bill, and lastly, of the Sugar Duties. Can I see what has taken place on these three questions without coming to the conclusion that by the course pursued in regard to them the authority of the House of Commons has not been supported? I never taunted the noble lord with abandoning the appropriation clause. I thought he was placed in a situation of necessity, which upon the whole, made it desirable for the public interest that the question should be settled without it. But can I conceal from myself that that situation of necessity arose from the weakness of the government itself? from that want of confidence which left the government no alternative than to recede from the most express engagements, or by not receding from them to sacrifice a great public interest.

Let me now take the Jamaica Bill. Do I want any proof of the evil consequences that arose from that measure on account of its abandonment by the government? The ministers brought in a bill, the object of which was, to extinguish representative government in the colony of Jamaica. They failed. We opposed them. They were compelled to bring in another bill in conformity with our views upon the subject. But what was the statement of anticipated evils that was made by the noble lord at the head of the government, and by the noble lord the Secretary for State? Lord Melbourne said—

"It is obvious that in Jamaica the authority of the Crown will be greatly weakened by any vote of the House of Commons giving support to the contumacy of the Assembly at Jamaica, against the proposition of the ministers of the Crown. In continuing in the administration of affairs, not having a sufficient degree of confidence and support to carry on those affairs efficiently in this house, we should be exposing to jeopardy the colonies of this country."

Lord Melbourne went on to state :—

"I say the measure (the Jamaica bill) is of paramount, of indispensable importance for the great object of emancipation—that the vote of the House of Commons was fatal to that measure. Not only that, but it indicates with sufficient clearness and distinctness such a want of confidence on the part of great body in the other house of Parliament, as to render it absolutely impossible that we should continue to administer the affairs of her Majesty's government in a manner useful and beneficial to the country."

That was the opinion you gave as to the degree to which colonial interests were compromised by the attempt to govern by a minority in the House of Commons. Now let us take the case of the sugar duties. Can you, or can any man say, that the position of the Chancellor of the Exchequer was a satisfactory or becoming position, when, after the grounds of the measure

had been stated, after the importance that had been attached to it, after the expectations of relief that had been held out as a consequent upon its passing ; was it, I ask, a becoming position in which the Chancellor of the Exchequer was placed, when he moved, without one single word, the adoption of the existing sugar duties, precisely in conformity with our views.

I say that those measures to which I have referred, and which are but specimens and examples, are conclusive proofs that the evils which the noble lord prophetically anticipated, as arising from the thwarting and obstruction of the government, have been practically realized, as we ourselves have had the opportunity of observing. Is this for the credit of the house of Commons? Is this for the maintenance of its authority as one of the constituent branches of the legislature? Alas! no. It may appear to a superficial observer, that it is a proof of the strength of the prerogative of the crown, that it should be able to support its ministers without a majority of the House of Commons. But that is an imperfect and mistaken view. The interests of the Crown and the interests of the House of Commons are identical. You cannot strike a blow at the House of Commons in its just and legitimate authority, without at the same time striking a blow at the monarchy of this country. But can it be said to add to the authority of the monarchy that its ministers and representatives, who counsel measures in this house on the authority of the Crown? Can it be supposed that the sorry triumph of being maintained in power by the Crown is a compensation for the delays, for the spectacle of insufficiency and want of authority in the government we have recently beheld?

It may be said, "True, we may not have the confidence of the House of Commons, but, perhaps, as Mr. Pitt was able to say, though Mr. Fox denied it, if we fail in the House of Commons, there are sufficient indications that we possess the confidence of the country. First, however, I should say with Mr. Fox, it is dangerous to admit any other recognised organ of public opinion than the House of Commons. It is dangerous to set up the implied or supposed opinions of constituencies against their declared and authorized organ, the House of Commons. The house and the constituencies should not be brought into this unseemly contest. But if you deny the force of that argument—if you hold that it is right to refer to the opinions of the constituencies—can you, I ask, show me, in the elections that have recently taken place, any just ground for the boast that the confidence withheld from you by the house has been extended to you by the constituencies of the empire? I know not exactly how many vacancies have occurred since the commencement of the present Parliament ; I believe them to have been upwards of one hundred, but this I can say with confidence, that upon the general balance there have been twenty elections in which there have been changes of the former members, and of those twenty, embracing large towns, boroughs, agricultural districts, in fact, every kind and description of constituency, out of those twenty in which changes have taken place, sixteen have been averse to you, and four only have been in your favour. So that upon the whole in those places where changes have taken place during the present Parliament there has been a positive loss of not less than twelve members. I say, then, whatever may be the object you expect from an appeal to the people, if that be the course you are meditating, you have no right to say from the result of the elections hitherto, that the opinion of the constituencies differs from that of their representatives. I know very well it will be said, that although the doctrine I have broached that ministers should not retain their power without a majority of the House of Commons may be right under ordinary circumstances, yet there are here special and peculiar circumstances. But we also know that if once you, being the judges—you, the executive government—may discover

special and peculiar circumstances, operating as a reason why you are to be exempted from the ordinary rule that guides executive governments, there is no limit to the application of the principle. The men who are to decide upon the application of that principle are not quite impartial judges.

Perhaps, however, it may be said that you contemplate an appeal to the people, and that you are holding office for the purpose of making that appeal. I know nothing whatever upon that subject. As a member of the House of Commons I can have no evidence of the intentions of the Crown. But I see you repeatedly in minorities; I see indications that you have not the confidence of this house. I know that you have power at any time to dissolve—I know, too, that you can choose the most favourable time for a dissolution. No doubt that is the prerogative of the Crown, a prerogative of a delicate nature for the House of Commons to meddle with. But all this does not relieve me from acquitting myself from what I conceive to be a duty in calling upon the House of Commons to say if her Majesty's government possess their confidence or not. And here too I will say, that I shall have no additional confidence if, after exciting the public mind upon such a subject as the sustenance of the people, you then make your appeal to the country by a dissolution. I believe that you are not by that course advancing the measure which you advocate. I do not underrate the power of clamour. I do not underrate the evils arising out of the conflict of opposing parties. I do doubt your power to carry that law, as I doubt your power to carry a proposal of a shilling a bushel fixed duty. Although I have no right to anticipate the decision of the house upon the corn-law, but I appeal to any rational man whether he does not concur with me in this conclusion, that you are bringing forward your measure without a hope of being able to carry it [loud cheers], or of procuring the assent of the present House of Commons to your proposition. Therefore you bring it forward, I will not say for the purpose of creating that which must be the necessary effect of bringing the question before us—namely, the increased agitation of the public mind. Still you will urge your intention of making a settlement of the question, and, after taking a debate upon the corn-law, you will reserve to yourselves the power of making an appeal to the country. I disregard that consideration altogether as a reason for your conduct, and I am fortified in so doing by the course you have taken with respect to another measure of scarce less importance. I mean the consideration of the poor law. What is the course you have adopted? You proposed without, I think, a sufficient authority, as a government, to submit an important measure on the subject of the corn-laws, and yet at the same time you know you will not bring forward a measure which you deem of most essential importance—that for the amendment of the poor-law. And on what ground do you withhold the consideration of that subject [loud cheers]? I have, upon your own authority, from a statement made by your own mouth, the reason you withheld from the discussion in the House of Commons of a question which you regard as of paramount importance; and that reason is thus expressed in a speech made by the noble lord opposite a short time ago. The noble lord said, “It would be better, in the present state of affairs, not to proceed with the Poor-law Amendment Bill.” And on what grounds? “That it would occasion protracted discussion, without leading to any final result, and that speeches would be made with a view to the hustings.” That is the ground which you urge to the House of Commons as a reason for withdrawing from the further discussion of the question of the poor-laws—that there would be protracted discussion without final result. If you expect protracted discussion without final result as applied to the poor-laws, may not I anticipate the same as applied to the corn-laws? If I deviate from strict form—if I am unobservant of technicalities in antici-

pating a discussion on the corn-laws, do not you fall in the same error in making prophecies in respect to a discussion on the poor-laws? You think that that is a legitimate ground of action—you expect that there will be long discussion without final result on the poor-laws—I anticipate the same with respect to the corn-laws. Nay, more: the noble lord (Lord John Russell) in the next place said, that, with the expectation that every honourable member seemed to have that he would soon be obliged to account for his conduct upon the hustings, he (Lord J. Russell) thought that a great many motions, and a great many speeches would be made, intended rather for the hustings than for any useful purpose of legislation. Therefore, it was not upon the unpopularity of the law—not because the support of that law might inconvenience honourable members at a general election, but upon the ground that there would be long discussion without final result, and that members would make speeches addressed to the hustings rather than to the legitimate purposes of legislation, that the poor-laws were to be altogether abandoned. But the corn-law proposition is to be persisted in. Is there more prospect of a final result from the discussion upon that question than upon the question of the poor-laws? Is there less expectation of long speeches? Is there a diminished prospect that those speeches will be less addressed to the conviction of the members who listen to them in this house, than to the favour of the constituency, agricultural or manufacturing, whom the speakers in the debate may happen to represent? And it is with this opinion, as to the reasons for abandoning the poor-laws—that it is understood, but I can scarcely believe it—that her Majesty's government will propose the corn-law question, and upon the result of that question will appeal to the people. If that appeal be made upon such grounds, so far, in my opinion, from tending at all to remedy the depression of trade, to calm the agitation in the public markets, to increase public confidence—so far from tending to any of these desirable ends, I firmly believe that, by suspending the operations of all ordinary retail dealings in this metropolis—by leaving in a state of uncertainty for months to come what may be the ultimate decision of the House of Commons on this subject of the corn-laws—you will only aggravate the evils already connected with the stagnation of commerce, and be throwing an effectual obstacle or impediment in the way of the revival of trade. Therefore, as I said before, if I have the perfect assurance, which you cannot give me, that it is your intention to dissolve upon the corn-law question, so far from that being a reason, why should I not press this motion to a division, it constitutes with me only an additional ground for so doing. I have other grounds for determining to take that course; but I do not now intend to enter upon them. I rest my proposition to-night upon the constitutional point. I say that there is sufficient proof that you have not the confidence of the House of Commons, and that your continuance in office is at variance with the principles of the constitution. I risk all the other grounds upon which I withhold my confidence from you. I have a want of confidence in you on account of your administration of finance. But I believe that your position of difficulty with respect to finance mainly arises from the same evil—from the very same cause as that which involves you in your present embarrassment. I believe that it arises from the attempt to administer the duties of government without the confidence of the House of Commons. Yes, it is that self-same cause that has involved you in your financial difficulties. Had you possessed the confidence of the House of Commons, I do not believe that in the face of an increasing expenditure, and a diminishing revenue, you would have incurred the risk—nay, that you would have incurred the certain evil of losing 1,200,000*l.* of revenue by your Post-office Bill. I believe that the very same cause which induces you to have recourse to these expedients at the present moment, led to the abandonment of the Post-office revenue.

I believe that your weakness was the cause—constantly oscillating between the Conservative opinions on this side of the house, and the opposite opinions entertained upon your own—finding it frequently necessary to conduct your government upon Conservative principles, and seldom able to assert your own views with any well-founded expectation of carrying them into execution, you forfeited the confidence and encountered the opposition of our own friends and supporters, until at length it became necessary for you to re-establish yourselves in the favourable opinion of your adherents, to propose a measure like that of the Post-office reduction. Am I wrong in that conjecture? When was it that the Post-office revenue was lost? It was after your failure on the Jamaica question. I cannot dive into your intentions, and therefore I cannot say that the two questions, the Jamaica question, the Post-office revenue question, stood together in the relation of cause and effect; but it is remarkable that it was not until after your defeat on the colonial question that you resorted to a measure which I deprecated at the time—not doubting the advantages which in many respects would result from a reduction of the postage on letters, but because I thought you could not afford to hazard the loss of a revenue of 1,600,000*l.*, and because I did not believe that your proposition to supply any deficiency that might arise in the Post-office revenue by increased taxation in other respects, would be listened to with any very great favour when the reduction had once been acceded to. I believe it is the same cause, your weakness, that has induced you now to propose those great measures of fiscal change which have disturbed, perplexed, and embarrassed all the commercial transactions of the country. When you say that your object in proposing these measures is to supply the deficiency in the revenue you do not explain to us how that hope is to be fulfilled. The Chancellor of the Exchequer never explained to us whether he expected to recover the 1,400,000*l.* or 1,600,000*l.* lost in the post-office, by the imposition of a fixed duty upon corn. It is necessary that that point should be explained, for unless the admission of foreign corn at a fixed duty of 1*s.* per bushel, will secure a revenue of 1,600,000*l.*, the budget of the Chancellor of the Exchequer is worth nothing—literally worth nothing at all.

[It was here intimated that the calculation of the Chancellor of the Exchequer was to raise only 400,000*l.* from the admission of foreign corn.]

Sir ROBERT PEELE continued: I understand the calculation to be 1,600,000*l.* but whether it were so calculated or not, it is plain that the revenue derived from the admission of foreign corn must be at least equal to that sum, if the deficiency in the revenue is to be supplied; for as the Chancellor of the Exchequer estimates the amount of the customs for the present year at the same amount as the customs of last year, and as 1,100,000*l.* or 1,200,000*l.* of the customs' revenue of last year, was derived from the admission of corn, it is clear that his calculation, to be just, must be upon the anticipation of deriving somewhere about 1,600,000*l.* from the admission of foreign corn in the present year.

Now with respect to the duties on timber. I have seen an answer returned by Lord Sydenham to a deputation which waited upon him on this subject; what does Lord Sydenham say? I have no official information on the subject.

[Here an observation was made by Lord John Russell.]

Surely the noble lord does not mean to draw a distinction between a private letter written by him, saying "we are going to bring forward the timber duties," and an official despatch in which the same intelligence was conveyed in a more formal manner. Surely the noble lord will not insist upon the distinction to be drawn between an intimation made upon large paper and one made upon small paper—the one being marked "private," the other bearing upon its cover the stamp of official business. But Lord Sydenham says, that if the government should bring forward the timber duties, it will be his impe-

rative duty to urge that due regard be had to all existing interests, and that ample time be given to vested interests to dispose of them, and to provide for the transfer of their property to some other branches of trade. If that be the case—if that imperative duty be imposed upon Lord Sydenham—will it be possible to realize in the course of the present year the revenue you anticipate from an alteration of timber duties? But it is not my intention to enter into detail. I reserve altogether my opinion upon this and other measures of administration. I reserve altogether my opinion upon China. I will only say that upon that question I can give you no confidence. I cannot conceive a position more fraught with anxiety as to the moral influence of England, not only in China, but throughout the whole of the India empire, than that which we now occupy, as far as our present information goes, in that quarter of the world.

Upon other great questions, such as our relation with America, and with France, I retain the opinions I have previously expressed. I have viewed our alienation from France with feelings of deep regret, and without entering further into the subject I may state that notwithstanding the brilliant exploits of our fleets and armies, I yet entertain the opinion that it would have been possible to have effected everything that British and continental interests required in a manner that would have been reconcileable with such a mode of proceeding towards France as would have avoided the excitement of so bitter a feeling towards us in that country, the consequence of which has been the unproductive expenditure of a vast amount of capital in making preparations for war, and the generation of a feeling in the French mind which, I fear, will for some time prevent the re-establishment of those friendly relations between France and this country which I sincerely wish to be permanent, and which I believe to be one of the most essential foundations for the permanent peace and tranquillity of Europe. But into these considerations I will not enter; because I wish mainly to urge the constitutional ground upon which my motion is founded.

Confining myself to that ground, and maintaining silence upon all others, I dare say I shall be met by the taunt that I have brought forward no scheme of comprehensive policy of my own. I shall be told that this is a decisive motion—that I might possibly have concealed my opinions when I was discussing the sugar duties, but that when I invited the house to concur in a motion of this kind, I ought to be prepared with some declaration of public opinion upon all questions of public interest and national importance. To that I answer—Where is the man that has more explicitly declared than I have, his opinions upon all the great constitutional questions that have of late years been raised—upon the ballot—upon the extension of the suffrage—upon the shortening the duration of Parliaments? Have I ever withheld my opinions upon any one of those great questions. The hon. member for Finsbury says to me, “Make a bidding against the government. (Laughter.) Outbid the government! Propose something further than the government, and then you shall have the support of gentlemen of extreme opinions like myself.” I shall do no such thing. I make no bidding for popular applause. I maintain my opinions upon the great constitutional questions to which I have referred, and I shall not, for the purpose of filching some support from the government on the present occasion, indicate opinions at variance with those which in the course of discussions upon those individual questions I have constantly expressed. Did I not, when a question like the present was last under the consideration of the house, did I not upon the vote of confidence last year, fully and explicitly state my views with respect to all the ordinary subjects of legislation? Have I not, when any question has been brought forward, whether church reform, church rates, or any other question of important public interest, invariably expressed my opinions in plain and

explicit terms? What is the public question of ordinary legislation in respect to which any rational doubt can be entertained as to my views? I certainly draw a distinction between financial questions and ordinary matters of policy. I stated the other night—I stated explicitly, that I would not express any opinion upon the financial condition of the country; and I repeat now—giving you the full advantage of that expression of my opinion—that if I were called to power to-morrow I would claim the right (for it was in that sense I used the expression) deliberately to review the financial position of the country, and that I would not be forced into any precipitate measures for the purpose of extricating the Exchequer from its present difficulty. These are the grounds upon which I submit, with confidence, my resolution to the House of Commons, I never have been a flatterer of the House of Commons. I never have encouraged the House of Commons in any attempt to carry measures which I thought would have the effect of unduly increasing its own privileges and power at the expense of the prerogative of the Crown.

The very last occasion on which I gave a vote was in support of her Majesty's Government in their attempt to resist a motion, which, in their opinion, would have the effect of unduly encroaching upon the prerogative of the crown. I did what I could to support the crown's prerogative; but my example was not followed by many members of her Majesty's government. I did what I could to resist the attempt of the House of Commons to interfere with the undoubted prerogative of the crown. That attempt, sir, was defeated by your single vote. You were the single obstacle to a motion, which, in your opinion, would amount to an interference with the prerogative of the crown. You, sir, though the organ of the House of Commons, had the manliness, which I expected from the consistency of your conduct; yes, sir, you had the manliness to interpose your single but exalted and effectual authority against a measure which you deemed injurious to the principles of the constitution. I expected that vote, and I expected the declaration of principle upon which it was given. But when I saw how great had been the risk, I could not but feel confirmed in my opinion that the prerogative of the crown was not safely protected by a government, which, even with the aid that I, assisted by my friends, could lend them, could command only an equality of votes upon a question of so much importance, and were obliged to call upon the Speaker to save them from the disgrace of defeat upon a matter in which the prerogative of the crown was directly concerned.

But, although I have resisted, and always will resist, any unconstitutional attempt on the part of the House of Commons to trench upon the prerogative of the crown, I have yet endeavoured to maintain in the House of Commons every just principle to which it could lay a claim. I supported the noble lord (Lord J. Russell) last year in defence of the privileges of the House of Commons. I might upon that occasion have been seduced by the temptation of party advantage to take a different course. As it was, I had to encounter the pain of differing from, perhaps, a majority of my friends. But I thought that vital interests—that important powers were at stake, and I was determined that I would not, to conciliate the favour and affection of my own esteemed friends, put to hazard the legitimate privileges of the House of Commons, and subject the House of Commons to the control of a court of law. I know that it is imprudent and unwise to advert to these things. I know that it would be more politic on my part to conceal these differences with my friends. But I will be guilty of no such concealment. I differed from them and voted against them, from a sincere belief that it was absolutely necessary for the vindication of the privileges of the House of Commons, nay that it was essential to our existence as a legislative body, that we should have the power of free publication. Why should I shrink from a

reference to the opinions I then expressed, and the vote I then gave? Is it not rather a subject of pride with me that I can be permitted to take my own independent view as to the vital privileges of the House of Commons, and yet that due justice shall be done to my motives, and that I shall again be able to rally around me in the bond of common connection and common esteem, those friends from whom I happen upon this particular question to differ. Acting in conformity with these views, which teach me to resist the encroachment of the house upon the prerogative of the crown, and yet to maintain for the house itself its legitimate influence in the state, I think I may fairly conclude that the House of Commons has a right to expect that the minister of the crown, who is alike the proper guardian of the royal prerogative and of parliamentary privilege, should possess its confidence. This present House of Commons has been constituted and moulded upon the views of the noble lord the member for Stroud (Lord J. Russell). The noble lord was the author of the bill by which this House of Commons was constituted. It was the noble lord who thought it expedient to abolish the system of nomination boroughs. It was the noble lord who thought it expedient to introduce more of popular spirit into the constitution of this house—to make it correspond more with the progress of popular intelligence, and with the advance of knowledge. To achieve this the noble lord thought that we ought to make the house more an image of the public opinion—an assembly more sympathizing with the people—more originating from the people—more expressive of the public view. This House of Commons, thus constituted according to the views of the noble lord—this House of Commons had the advantage (if it could be so considered) of being elected under the noble lord's auspices; and whatever benefit there may be from having had its election at the time when her gracious Majesty came to the throne of these kingdoms, that benefit also the noble lord was possessed of. Yet this House of Commons so constituted, so elected under the auspices of the noble lord—this House of Commons it is that has given, as I think, sufficient indications that it withholds its confidence from the government of which the noble noble lord is a conspicuous member.

I trust I have executed this duty in conformity with the spirit in which I intended to execute it—with none of that asperity of party which I may sometimes be betrayed into when rising at the end of a debate to speak under the excitement and agitation which naturally belong to that period of our deliberations. It has not been my intention to treat with disrespect those who hold the executive offices of government, but it has been my intention to say to the government,

“It is your duty to the House of Commons—if it has those additional claims upon public confidence which you ascribe to it—if it embodies more of the public spirit—if it reflects more accurately the image of the public mind than those which have preceded it—it is your duty, your peculiar duty, not to deprive it of any of the legitimate influence which it possessed under other circumstances, and which you were the first to recognise, and to wish to extend.”

Of this I am convinced, that if the House of Commons so constituted had ratified your decrees—had acted in conformity with your suggestions, you would have been the first to acknowledge its opinions with respect; and let me tell you that when the House of Commons takes a different course, it is your bounden duty not to reject its decisions with scorn, because they are unfavourable to your views, and hostile to your continuance in power.

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